

111TH CONGRESS  
1ST SESSION

# H. R. 2025

To ensure public access to Federal land and to the airspace over Federal land.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2009

Mr. MINNICK (for himself and Mr. SIMPSON) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To ensure public access to Federal land and to the airspace over Federal land.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Backcountry Landing  
5 Strip Access Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that aircraft landing strips—

1           (1) serve an essential safety function as emer-  
2           gency landing areas;

3           (2) serve as trailhead access points for—

4                 (A) outdoor enthusiasts and their activi-  
5                 ties, including hiking, fishing, and hunting;

6                 (B) land management activities, including  
7                 forest management and firefighting; and

8                 (C) inholdings, including mining, ranching,  
9                 scientific research, and tourism;

10          (3) provide access to national parks, national  
11          forests, wilderness areas, and other Federal land for  
12          people who would otherwise be physically unable to  
13          enjoy such places;

14          (4) support the economies of the surrounding  
15          communities by providing efficient access for visitors  
16          seeking recreational activities; and

17          (5) serve an essential role in search and rescue,  
18          forest and ecological management, research, wildlife  
19          management, aerial mapping, firefighting, and dis-  
20          aster relief.

21 **SEC. 3. DEFINITIONS.**

22          In this Act:

23                 (1) **ADMINISTRATOR.**—The term “Adminis-  
24                 trator” means the Administrator of the Federal  
25                 Aviation Administration.

1           (2) AIRCRAFT LANDING STRIP.—The term “air-  
2       craft landing strip” means an established aircraft  
3       landing strip located on Federal land under the ad-  
4       ministrative jurisdiction of the Secretary that is for  
5       aircraft landing and departure activities.

6           (3) PERMANENTLY CLOSE.—The term “perma-  
7       nently close” means any closure lasting more than  
8       30 consecutive days in any calendar year.

9           (4) SECRETARY.—The term “Secretary”  
10      means—

11                (A) with respect to land under the jurisdic-  
12               tion of the Department of the Interior, the Sec-  
13               retary of the Interior; and

14                (B) with respect to land under the jurisdic-  
15               tion of the Department of Agriculture, the Sec-  
16               retary of Agriculture.

17   **SEC. 4. PROCEDURE FOR CONSIDERATION OF ACTIONS AF-**  
18               **FECTING CERTAIN AIRCRAFT LANDING**  
19               **STRIPS.**

20           (a) IN GENERAL.—The Secretary shall not take any  
21   action that would permanently close, restrict, or render  
22   or declare as unserviceable any aircraft landing strip un-  
23   less—

1           (1) the action has been approved by the head  
2           of the aviation department of the State in which the  
3           aircraft landing strip is located;

4           (2) the Secretary publishes notice of the pro-  
5           posed action in the Federal Register, including no-  
6           tice that the action would permanently close, re-  
7           strict, or render or declare as unserviceable the air-  
8           craft landing strip;

9           (3) the Secretary provides for a 90-day public  
10          comment period beginning on the date on which the  
11          notice under paragraph (2) is published; and

12          (4) the Secretary and the head of the aviation  
13          department of the State in which the affected air-  
14          craft landing strip is located have taken into consid-  
15          eration any comments received during the comment  
16          period described in paragraph (3).

17       (b) POLICIES.—

18           (1) BACKCOUNTRY AVIATION POLICIES.—Not  
19          later than 2 years after the date of the enactment  
20          of this Act, the Secretary of the Interior and the  
21          Secretary of Agriculture shall jointly—

22           (A) establish a national policy for gov-  
23          erning backcountry aviation issues relating to  
24          the management of Federal land under the ju-

1 jurisdiction of the Department of the Interior and  
2 the Department of Agriculture; and

3 (B) require officials with jurisdiction over  
4 the land described in subparagraph (A) to ad-  
5 here to the policy established pursuant to such  
6 subparagraph.

7 (2) REQUIREMENTS.—Any policy affecting air  
8 access to an aircraft landing strip, including the pol-  
9 icy established under paragraph (1), shall not take  
10 effect unless the policy—

11 (A) acknowledges that the Administrator  
12 has the sole authority to control aviation and  
13 airspace over the United States; and

14 (B) was developed after seeking and con-  
15 sidering comments from State governments and  
16 the public.

17 (c) MAINTENANCE OF AIRSTRIPS.—

18 (1) IN GENERAL.—To ensure that aircraft land-  
19 ing strips are maintained in a manner that is con-  
20 sistent with the resource values of any adjacent  
21 area, the Secretary shall consult with—

22 (A) the head of the aviation department of  
23 each State in which an aircraft landing strip is  
24 located; and

25 (B) any other interested parties.

1           (2) COOPERATIVE AGREEMENTS.—The Sec-  
2       retary may enter into cooperative agreements with  
3       interested parties for the maintenance of aircraft  
4       landing strips.

5           (3) MAINTENANCE STANDARDS.—State aircraft  
6       landing strip maintenance standards shall be used as  
7       the minimum standard when such standards are  
8       available.

9       (d) EXCHANGES OR ACQUISITIONS.—

10           (1) CONDITIONS.—If the Federal Government  
11       acquires private or public property on which an air-  
12       craft landing strip is located, the acquisition may  
13       not require—

14           (A) the closure or purposeful neglect of the  
15       aircraft landing strip; or

16           (B) any other action that would restrict  
17       the use of any aircraft landing strip.

18           (2) AVAILABILITY.—Each private or publicly  
19       owned aircraft landing strip acquired by the Federal  
20       Government shall be made available to the general  
21       public for unrestricted use.

22       (e) EFFECT ON FEDERAL AVIATION ADMINISTRA-  
23       TION AUTHORITY.—Nothing in this Act may be construed

- 1 to affect the authority of the Administrator over aviation
- 2 or airspace.

